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Summary record of the 2604th meeting
Held at Headquarters, New York, on Thursday, 19 March 2009, at 10 a.m.

Chairperson: Mr. Iwasawa

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Rwanda (*continued*) (CCPR/C/RWA/3, CCPR/C/RWA/Q/3/Rev.1 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Rwanda took places at the Committee table.*

2. **Mr. Nsengimana** (Rwanda) said, with regard to question 15 of the list of issues, that the Government had received no reliable information on cases of human trafficking in the country, and he urged members of the Committee to transmit to the Government any information they had received, so that the Government could investigate. Many laws had been adopted and administrative bodies established to protect women and children, who were the main victims.

3. Turning to question 16 on the situation in prisons, he recognized that various members of the Committee had raised the issue, having received sometimes alarming information from various sources about the situation in prisons. He reminded members of the deplorable situation in 1994 and 1995 as the country was struggling to recover from the massive genocide and violence and had to deal with an enormous number of detainees. Since that time, much progress had been made to bring Rwanda's prisons up to African standards, and the prisons, now mainly newly constructed institutions rather than converted older buildings, had so improved that several African countries had come to consult with Rwandan authorities on prisons.

4. **Mr. Rusanganwa** (Rwanda) said that various programmes had been launched to reduce prison crowding and improve conditions, including early release to the community, partial self-financing of prisons through prison industry and workshops, and processing of wastes to produce biogas.

5. **Mr. Nsengimana** (Rwanda), turning to question 17 on alternative punishments, including community service, said that the Rwandan approach to punishment stressed the importance of reconciling those convicted of crimes with society. The courts tried to combine sentences of imprisonment with community service, so as to promote reintegration of convicts.

6. **Mr. Nkerabigwi** (Rwanda) said that community service might include working on roads and bridges, terracing to reduce erosion, building houses for vulnerable groups and victims of the genocide, and draining marshes. The ex-convicts were able to slowly reintegrate and enter into dialogue with society.

7. **Mr. Nsengimana** (Rwanda) took up the issues raised by members of the Committee in connection with question 18 on the Gacaca system of popular courts, which represented a blend of regular law courts with traditional culture. They had been devised to deal with the enormous backlog of more than one million cases after the genocide and had achieved that goal, as the backlog was expected to disappear by the summer of 2009. At their peak, there were about 9,000 such courts, in which lay judges served after election by local communities. Professional judges toured the country, visiting the Gacaca courts to ensure that procedures were as correct as possible. There were also appeal procedures and bodies for dealing with errors and abuses of power. As with any new structure, there had been some problems and a certain amount of criticism, all of which had been investigated and rectified where necessary. Without the Gacaca courts, the backlog of cases would have taken a century to process.

8. **Mr. Rusanganwa** (Rwanda) directed members' attention to the response on question 19 contained in the written responses of the Government in document CCPR/C/RWA/Q/3/Rev.1/Add.1, which gave a detailed analysis of the genocide-related cases before the Gacaca courts, categorized by district, stage of completion, court level and whether or not the charge included rape. As members could see, approximately 95 per cent of the more than one million cases had been processed.

9. **Mr. Nsengimana** (Rwanda) said that about two thirds of the cases had involved the use of rape as a weapon.

10. **Mr. Rusanganwa** (Rwanda) said, with regard to question 20, that bodies had been established to ensure the provision of legal aid to the poor wherever resources were available, as had been described in the written responses. The Rwanda Bar Association and a legal aid forum run by a non-governmental organization were contributing services and various legal access centres had been established around the country.

11. **Mr. Nsengimana** (Rwanda), responding to question 21 on freedom of expression, said that the Government wished to give every possible liberty to all citizens, including members of the opposition, the press and other organizations, but also felt a great need to protect society against deliberately false information, rumours, divisive agitation, and racial and ethnic hatred. It tried through education to urge all citizens, including the press, to work towards national recovery and unity. It should be borne in mind that Rwanda still faced an external threat from former perpetrators of genocide, who had fled across the border into the Democratic Republic of the Congo and were constantly trying to agitate among their supporters in Rwanda.

12. On the subject of measures taken to combat racial hatred, raised under question 22, the Government had first of all adopted laws prohibiting racial and ethnic hatred and had in addition established educational campaigns in civics, often through non-governmental organizations. An independent institute on peace and democracy had also been established, which organized conferences on the issue and often advised the Government. He also mentioned efforts at the level of the Great Lakes region aimed at establishing a regional centre for peace and human rights.

13. Drawing attention to the table on page 25 of his Government's written replies, he said that while enrolment rates for girls and boys in primary school were nearly identical, girls became a distinct minority at the secondary level. To encourage the enrolment of girls in secondary schools, the Government had adopted affirmative action measures, in addition to social measures such as the installation of separate bathrooms and incentives such as academic merit awards.

14. **Mr. Rusanganwa** (Rwanda) said, with regard to question 24 on the list of issues, that all juveniles imprisoned for participation in the genocide had been given conditional release. Before returning to their families, they were sent to "solidarity camp" (*Ingando*), where they were given civic and vocational training to promote their better reintegration into society. Once they returned to their families, they were entitled to the same rights as other children, including the right to education, the right to self-realization and the right to health.

15. **Mr. Nsengimana** (Rwanda), responding to question 25 on the list of issues, said that the Constitution of Rwanda, specifically article 9, guaranteed the same rights to every citizen with regard to participation in public affairs and ensured that minorities and other groups in society that had been marginalized in the history of Rwanda could hold office at the national level.

16. Administrative measures taken to ensure transparent and fair elections included the creation of a National Electoral Commission, an independent commission responsible for the preparation and organization of elections. Rwanda had furthermore ratified the African Charter on Democracy, Elections and Governance. The general elections of 2003 and 2008 had been overseen by a large number of national and international observers. As to the allegations of numerous irregularities during the 2003 elections, the appropriate investigations had been conducted by the relevant authorities and all the cases brought before the courts had been tried.

17. With regard to the rights enjoyed by the Batwa (question 26), article 9 of the Constitution provided for the equitable sharing of power, including by marginalized groups. Batwa were regularly elected as leaders at the local level; nationally, however, that was not often the case. The President had therefore been given the power to appoint representatives to the Senate and other national bodies to ensure the equitable sharing of power. A Mutwa individual had been appointed to the Senate; upon his recent death, a successor had been appointed who was also Mutwa. The Batwa could therefore be said to have full enjoyment of the rights recognized in the Covenant, from the most basic to the highest levels.

18. **Mr. Rusanganwa** (Rwanda), responding to question 27 on the list of issues, said that a number of training initiatives had been launched in order to disseminate information about the Covenant, which had already been translated into Kinyarwanda. Training programmes had been organized by the National Human Rights Commission, United Nations specialized agencies, and civil society for public administration, army and law enforcement personnel, as well as for members of the judiciary and religious leaders. The Government had also launched an awareness campaign that included weekly radio programmes. A series of short-term initiatives had been planned to disseminate the Committee's concluding

observations on Rwanda's third periodic report, including a press conference, the translation and delivery of the concluding observations in Kinyarwanda to all relevant institutions, and publication in major newspapers. A treaty body reporting task force had been established to develop longer term awareness-building and dissemination strategies for information about treaties and concluding observations.

19. **The Chairperson** invited queries from the Committee on questions 15 to 27 of the list of issues.

20. **Mr. Amor** welcomed the draft law on reform of the Penal Code (reply to question 15) and requested further information on the progress made in that regard. A number of cases of forced prostitution and the kidnapping of children had been brought to his attention by outside sources; one of those sources alleged that no official complaints had been recorded and that no in-depth research had been done by civil society.

21. He welcomed the legislation passed by Rwanda to counter advocacy of hatred (reply to question 22), as well as the educational initiatives taken to suppress the ideology of genocide. However, the fact that some educators themselves might have been strongly affected by the genocide and the choices they had made might have a negative impact on their work in that area.

22. The improvement in enrolment rates for girls in school (reply to question 23) was encouraging; nevertheless, it was important to examine the reasons behind the drop-out rates before and during secondary studies, and to look into the possibility of educating the families of the girls about the importance of staying in school. As a country admired for its significant representation of women at the national level, Rwanda needed to do more to ensure better enrolment rates for girls.

23. With regard to the reintegration in society of youth who had participated in the genocide (reply to question 24), it was indeed crucial to provide opportunities for re-education and vocational training in the solidarity camps. More attention needed to be given to the families of those youth, as they played a major role in their children's reintegration. He wondered whether the youth in question received any psychological support to help them overcome their experiences during the genocide. Furthermore, he wished to know whether any of those youth had since joined the national army as adults. That could raise some concern, because although such youth would no doubt receive training against genocidal ideology in the army, they nevertheless carried with them the scars of the genocide and the associated emotional trauma.

24. **Ms. Wedgwood**, referring to the issue of prison conditions (reply to question 16), urged the Rwandan Government to rely further on the option of community service, as confinement in an inhuman environment was in itself a form of inhuman treatment. Reports by non-governmental organizations (NGOs) had provided an extremely harsh characterization of current prison conditions in Rwanda. Not only was it crucial to provide family visits and adequate food rations, but the placing of pre-trial detainees and prisoners together was prohibited by the Covenant and thus required urgent attention.

25. Freedom of expression (reply to question 21) was an absolutely fundamental right and also contributed to good governance and the correction of problems within the Government. However vexatious the media might be, they nevertheless acted as a system of checks and balances on the Government. Rwanda had been ranked by Freedom House, a long-established NGO, in the bottom 5 per cent of all countries with regard to freedom of the press.

26. The vagueness of the word "divisionism" was a source of great concern, as it could be used to refer to criticism of Government policies. According to some sources, hundreds of people had recently been denounced by name for divisionism on a recent radio programme. There was also concern about intimidation and threat to the physical integrity of journalists, with a number of sources reporting threats, beatings and firings. Despite having made much progress after severe historical hardships, Rwanda set a poor example in permitting no political opposition.

27. With regard to conscientious objection, she had received reports according to which Jehovah's Witnesses had allegedly been imprisoned for not taking part in night-time community patrol. If true, that was a violation of article 18 of the Covenant; the freedom of conscience of such a religious group, however small a minority, should be respected.

28. States were often reluctant to recognize minorities, but it was important to sustain such groups as the Batwa and to ensure their rights were respected

(reply to question 26). Rwanda needed not only to allow the Batwa to participate fully in civil society, but also to restore their traditional way of life if they desired it.

29. **Ms. Chanet** asked specifically how article 190 of the Constitution was implemented in Rwanda in practice and also questioned the compatibility of the Gacaca system with article 14 of the Covenant, particularly in view of the large number of cases dealt with by the Gacaca courts. In cases involving rape, for example, she was concerned that such local justice might lack the necessary impartiality and objectivity. With regard to question 17, she asked who was entitled to perform community service and what controls were in place to monitor such work.

30. **Ms. Majodina**, referring to question 26, expressed concern that the Batwa had not been mentioned as an ethnic group in the report, which contained only a definition of national minority groups. As a poorly integrated and disadvantaged group, the Batwa were still not fully aware of their human rights, including their political and civil rights. She was also concerned that the report had cited the Rwandan genocide of 1994 as the basis for the refusal to recognize ethnic minorities or groups. That approach failed to address existing deep-seated tensions and was thus more likely to exacerbate problems than to solve them.

31. **Ms. Motoc**, also referring to question 26, asked what distinction was made in Rwanda between indigenous peoples and minorities and whether the Batwa were entitled to indigenous status. With regard to question 27, she wished to know what instruction judges received on international human rights law and the Covenant.

32. **Mr. Bouzid**, referring to article 25 of the Covenant, noted that the Constitution of Rwanda did not mention the right to vote and wondered whether the National Electoral Commission had the authority to promote that right for Rwandan citizens.

33. **Mr. Bhagwati**, referring to question 27, also wished to know how judges were trained on the provisions of the Covenant and what category of judges received such training. In addition, he asked what measures were in place to improve the legal literacy of the population and whether legal aid funds were made available to ensure that justice was not only accessible but also enforceable.

34. **Mr. Thelin**, referring to an inscription which read "never again" on a memorial stone at the site of the Treblinka death camp, expressed his sorrow that the international community had not intervened to prevent the genocide in Rwanda. In order to avoid a repetition of the horrific events of 1994, he underscored the importance of ensuring an independent judiciary and freedom of expression, including freedom of the press, as provided for by articles 14 and 19 of the Covenant.

35. *The meeting was suspended at 12 p.m. and resumed at 12.20 p.m.*

36. **Mr. Nsengimana** (Rwanda) said that, while he appreciated the remarks made by members of the Committee, some were based on erroneous or outdated information. Moreover, some of the issues raised were academic and had no bearing on the actual situation in the country. Inter-ethnic hatred had been the engine of the genocide and must never again be allowed to rear its head. That was the State's responsibility, which it had to exercise in full knowledge of the ever-present threat of further outbreaks of violence. Such were the realities and they needed to be handled with extreme care, but even so there was freedom of the press. Similarly, there was zero tolerance of corruption, under the 2003 anti-corruption law. Indeed, there had been cases, freely reported in the press, where ministers had lost their posts and State officials had been arrested on grounds of corruption. By law, freedom of expression was limited only where it served a campaign of hatred, which could never again be tolerated in Rwanda. On the question of political opposition, it had to be borne in mind that democracy came in many shades and was never exactly the same from one country to another: democratic governance was sometimes compelled to take different forms in order to be effective. While it was true that contestation was a fact of political life, especially during election time, in the recent past the Mouvement Démocratique Républicain (MDR) had systematically cultivated division in the country and there were other forces that were seeking to push the same agenda. The challenge was to build on what was there and not on what had been destroyed, to reconcile fragile and potentially explosive realities. He urged the members of the Committee to seek first-hand information of the realities on the ground.

37. Taking up the question of freedom of conscience, he said that alternatives were offered to those whose religion prevented them from engaging in certain activities. Special dispensation was granted to

Adventists so they could take up the alternative of performing community work on Sunday rather than Saturday, which was their sabbath, while Jehovah's Witnesses were required simply to serve as torch bearers during night-time military activity. As for the Batwa, they could not be said to own the Volcanoes National Park, where they had long ceased to live; that was an historical fact. It was true, however, that they had been marginalized and, for that reason, needed to benefit, along with other marginal groups, from positive measures that would facilitate their integration. The only ethnic group in Rwanda was the Rwandan ethnic group, composed of Tutsi, Hutu and other national communities. In the interests of national unity, that conception of the Rwandan nation was the only one that could be allowed to prevail.

38. A further academic problem had arisen during the discussion concerning the Gacaca courts, which needed to be seen for what they were: a Rwandan response to the need for a workable system of justice, no matter how different from either the Napoleonic or the common law systems, for example. They conducted their work in the full light of day, with the direct participation of the community, who had been eyewitnesses to the atrocities and could testify in the proceedings. Moreover, those courts, which incorporated all the basic principles of law, were coming to be seen as models and were studied by researchers in the field.

39. **Mr. Rusanganwa** (Rwanda) stressed that community service did not mean forced labour: it was performed under the conditions laid down in the Labour Code and those assigned to such service enjoyed the same rights as other workers, including the right to rest. On the question of the Criminal Code bill, it was currently before Parliament and could be expected to be adopted very soon. Children who had participated in the genocide were being cared for by the National Psychiatric Centre, with NGO support. As for judges, they were all required to undergo proper training. Returning to the subject of the Gacaca courts, he said that they ensured equality of arms for all the parties concerned. Cases of rape were not dealt with in such public hearings, out of respect for the victims. Legal aid was available to the very poor, in particular through the legal aid facilities (*Maisons d'Accès à la Justice*) that were being set up throughout the country, as well as through NGOs.

40. **Ms. Wedgwood** said that the end did not always justify the means: there could never be any excuse for attacking journalists with iron bars. Referring to reports of the impossibility of organizing an opposition party in the country, she stressed the importance of doing so, not only for compliance with the Covenant, but also for the sake of Rwanda. If the Hutu could not express their views openly, further outrages might be feared. As for the participation of members of the community in the Gacaca hearings, that carried its own risks, since people could be promoting their own personal interests and were capable of deceit, particularly in the absence of legal safeguards. Third party intervention was needed to avert the danger of self-formed juries being unduly influenced by rumour or individual agendas. Such courts, before which defendants were not provided with the modern means of defence that should be theirs by right, were known to be increasingly handing down very harsh sentences.

41. **Mr. Nsengimana** (Rwanda) emphasized that the Gacaca courts took the form of general assemblies in which the community acted as a third party to proceedings between the accuser and the accused and served as a source of further information. It was true that the system for administering justice was not perfect, nor was the political system, which had indeed previously broken down because of the difficulties of power-sharing. It was important to note, however, that there were currently more Hutu than Tutsi in the Government. The overarching concern was to build the rule of law and fight both negationism and accusations made in bad faith and, at the same time, to develop and pursue a policy of reconciliation. The purpose of all the new laws and measures adopted or proposed was to take the country out of the abyss into which it had been plunged by the genocide.

42. Thanking the Committee for the opportunity to present Rwanda's third periodic report and answer the members' questions, he noted that the picture of the human rights situation that had emerged was necessarily limited. An accurate idea of realities on the ground could only be gained by visiting the country. He accordingly invited the members of the Committee to travel to Rwanda to see for themselves the progress achieved in giving effect to the provisions of the Covenant.

The meeting rose at 1 p.m.